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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

In re:

ANTHONY SCOTT LEVANDOWSKI,  
  
Debtor.

ANTHONY SCOTT LEVANDOWSKI, an  
individual,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.

Defendant.

Case No. 20-30242 (HLB)

Chapter 11

Adv. Pro. No. 20-03050 (HLB)

**DECLARATION OF KATHARINE  
CILIBERTI IN SUPPORT OF  
UBER'S ADMINISTRATIVE MOTION  
TO FILE PARTIALLY REDACTED  
OPPOSITION TO PLAINTIFF'S  
MOTION TO STRIKE EXPERT  
REPORT AND TESTIMONY OF J.  
CHRISTIAN GERDES AND TO FILE  
EXHIBITS UNDER SEAL**

1 I, Katharine Ciliberti, hereby declare as follows:

2 1. I am co-counsel to defendant Uber Technologies, Inc. in the above entitled action and  
3 have personal knowledge of the facts contained in this Declaration, which are true and correct, and if  
4 sworn as a witness, I could and would testify competently thereto. I submit this declaration in support  
5 of *Uber's Administrative Motion to File Partially Redacted Opposition to Plaintiff's Motion to Strike*  
6 *Expert Report and Testimony of J. Christian Gerdes and to File Exhibits Under Seal*.<sup>1</sup>

7 2. In August 2020 and again in September 2020, the Court authorized the sealing of the  
8 terms of the settlement in the Waymo Litigation ("Waymo Settlement Agreement"). (Dkts. 28 and  
9 44.)

10 3. In May 2021, the Court authorized the sealing of the certain information related to the  
11 Ottomotto motion planning code "planner". (See Dkt. 307 at 6-7.)

12 4. In September 2020, the Court approved the entry of Protective Order that had been  
13 agreed upon by the Debtor, Google and Uber in this Adversary Proceeding. (Dkt. 42.)

14 5. The Opposition and certain supporting documents discuss confidential information that  
15 has previously been sealed in this case, that fall into the same category of documents as others the  
16 Court has sealed in this case, or that otherwise warrant sealing to protect trade secret or other  
17 confidential information of Waymo or Google. Uber provides Waymo and Google with an opportunity  
18 to file a supplemental declaration pursuant to Civil L.R. 79-5(e) to establish whether any portion of  
19 the exhibits identified below or Opposition is sealable.

20 6. Specifically, Uber seeks to file exhibits 1, 2, 3, 4, 5, 9, 10, 11, 15, 17, 18, 19, 21, 23,  
21 24, 25, 28, 33, 34, and 35 attached to the supporting Declaration of Katharine Ciliberti under seal, to  
22 file partially redacted versions of exhibits 7 and 31, and to redact the statements in Uber's Opposition  
23 that refer to these documents.

24 7. Exhibit 1 is an excerpt from the March 4, 2021 deposition of Joseph Christian Gerdes,  
25 Ph.D; this document implicates and reveals a particular term of the Waymo Settlement agreement, and  
26 Waymo may contend that it reveals Waymo confidential business information or trade secrets. Dr.

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<sup>1</sup> All capitalized terms not defined herein shall have the meaning ascribed to them in the Administrative Motion.

Gerdes' deposition transcript was designated as "Highly Confidential – Attorneys' Eyes Only" under the Protective Order entered in this case by Google, Waymo, and Uber.

8. Exhibits 2 and 4 are excerpts from the depositions of Don Burnette and Jur van den Berg, which discuss information that Waymo may contend reveals Waymo confidential business information or trade secrets related to the Planner. According to our firm's records, these deposition transcripts or portions thereof were designated as "Highly Confidential – Attorneys' Eyes Only" under the protective order entered in the Waymo Litigation.

9. Exhibit 3 is an exhibit to the deposition of Don Burnette, which Waymo may contend reveals Waymo confidential business information and/or trade secrets related to the Planner.

10. Exhibits 5, 9, 10, 15, 17, 18, 19, 21, 23, 24, 25 and 34 are email correspondence between counsel for Uber, Google, Waymo, and/or Debtor relating to issues involving Dr. Gerdes' prior work in connection with the Waymo Litigation, and to Dr. Gerdes' role in this case. Portions of these email chains implicate and reveal a particular term of the Waymo Settlement agreement, and Waymo may contend that portions also reveal Waymo confidential business information or trade secrets.

11. Exhibit 7 is a discovery letter/motion that Uber submitted to the Court, but that, upon information and belief, was not made available publicly. A portion of the letter (the second full paragraph on page 4) reveals a particular term of the Waymo Settlement agreement.

12. Exhibit 11 is an email attaching a report that implicates and reveals a term of the Waymo Settlement agreement, and that Waymo may contend reveals confidential business information and trade secrets.

13. Exhibit 28 is an excerpt of Mr. Levandowski's January 29, 2021 deposition. The parties agreed that this transcript would be treated as "Highly Confidential – Attorneys' Eyes Only" under the Protective Order entered in this case, subject to the parties' narrowing their designations to specific pages and lines at a later date. According to our records, neither Mr. Levandowski nor Uber has designated any portion included in this excerpt as "Highly Confidential – Attorneys' Eyes Only."

14. Exhibit 31 is Uber's Supplemental Response to Plaintiff's First Set of Interrogatories, dated January 18, 2021.

I declare under the penalty of perjury that the statements included in this Declaration are true and correct. Executed on this 1st day of June 2021 in Chicago, Illinois.

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